

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARPENTERS FRINGE BENEFIT)	
FUNDS OF ILLINOIS, <i>et al.</i> ,)	
)	CIVIL ACTION
Plaintiffs,)	
)	NO. 10 C 2402
vs.)	
)	JUDGE REBECCA R. PALLMEYER
D THREE CONSTRUCTION)	
CORPORATION, a dissolved corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on June 7, 2010, request this Court enter judgment against Defendant, D THREE CONSTRUCTION CORPORATION, a dissolved corporation. In support of that Motion, Plaintiffs state:

1. On June 7, 2010, this Court entered default against Defendant and granted Plaintiffs' request for an order directing an audit of the Defendant's payroll books and records for the time period July 1, 2005 forward. The Court also entered an order that judgment would be entered after the completion of the audit.

2. As a result of Defendant's failure to comply with the Court's Order entered on June 7, 2010, on September 21, 2010, Plaintiffs' pursued show cause proceedings against Defendant to obtain documents to complete the audit.

3. Defendant eventually scheduled the payroll audit for February 1, 2011. However, Defendant failed to provide all documents necessary to complete the audit, and advised that the company is out of business, and that all documents available have been produced.

4. As Plaintiffs were unable to obtain documents necessary to complete the audit, there are no additional contributions due. Accordingly, Plaintiffs are seeking judgment to recover the audit costs, court costs and attorneys' fees incurred in efforts to complete the audit of Defendant's books and records.

5. Plaintiffs' auditing firm of Bansley & Kiener, L.L.P. charged Plaintiffs \$1,545.13 to perform the audit examination and complete the report (French Aff. Par. 6).

6. In addition, Plaintiffs' firm has expended the amount of \$658.00 in costs and \$5,823.50 in attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

7. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$8,026.63.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$8,026.63.

/s/ Patrick N. Ryan

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 2nd day of September 2011:

Mr. Dean S. Marsteller, Registered Agent/President
D Three Construction Corporation
19148 S 104th Avenue C
Mokena, IL 60448

/s/ Patrick N. Ryan _____

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